



RCE 9/661
\$ 7.50

**REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 25, 2004.

Trudi Thompson
Trudi Thompson

| | | | | |
|--------------------|---|---|------------------|--------------|
| Application Number | : | 10/016,070 | Confirmation No. | 6974 |
| Filing Date | : | December 5, 2001 | | |
| Inventor(s) | : | James W. Coiner | | |
| Title | : | HYBRID TEA ROSE PLANT NAMED 'TANTALIZING RED' | | |
| Group Art Unit | : | 1661 | | |
| Examiner Name | : | Howard J. Locker | | |
| Docket No. | : | 47496/CAB/C614 | Date: | May 25, 2004 |
| Customer No. | : | 23363 | | |

MAIL TO: Mail Stop RCE

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:

- a. ☒ Pending (no review proceedings active)
- (1) ☒ An Action was mailed by the Office on November 25, 2003, as to which no appeal under 37 CFR § 1.191 has been filed and
- _____ a response under 37 CFR § 1.116 was mailed on
- _____ via Express Mail
- _____ with certificate of mailing under 37 CFR § 1.8
- ☒ that Action was a Final Rejection, the finality of which is to be withdrawn by this Request
- _____ an appeal or civil action under 35 U.S.C. 141, 145 or 146 has been terminated
- (2) _____ Allowed: the Notice of Allowance was mailed by the Office on
- _____ the Issue Fee has not been paid
- _____ the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on
- b. _____ Pending (with review proceeding active)
- An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

2. SUBMISSION(S) REQUIRED (check at least one)

- a. Previously submitted
- _____ Consider the amendments/reply under 37 CFR § 1.116 previously filed on

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Application No. 10/016,070

- _____ Consider the arguments in the Appeal or Reply Brief previously filed on
_____ Other:
- b. Enclosed
- ☒ _____ Amendment/Reply
_____ Affidavit(s)/Declaration(s)
_____ Information Disclosure Statement
_____ Documents under 37 CFR § 1.48
☒ _____ Petition for Extension of Time
_____ Other:

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please address all correspondence to **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068.**

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By Cynthia A Bonner
Cynthia A. Bonner
Reg. No. 44,548
626/795-9900

CAB/tt



**REQUEST FOR CONTINUED EXAMINATION (RCE)
FEE CALCULATION SHEET**

Application No. 10/016,070

| PART I — BASIC FEE | | | |
|--------------------|--------------------------|--------------------------|----------|
| BASIC FEE | Small Entity \$385.00 | Large Entity \$770.00 | \$385.00 |

| PART II — ADDITIONAL CLAIMS (compared to application before RCE) | | | | | | |
|--|---|---|---------------------------|----------------------|----------------------|-----|
| | Claims Remaining After Amendment | Highest Number Previously Paid For | Number Extra Claims | Small Entity Rate | Large Entity Rate | FEE |
| Total Claims | 1 | 1 | 0 | x \$9.00 | x \$18.00 | |
| Independent Claims | 0 | 0 | 0 | x \$43.00 | x \$86.00 | |
| First Presentation of Multiple Dependent Claim | | | | \$145.00 | \$290.00 | |
| TOTAL CLAIMS FEE | | | | | | 0 |
| List Independent Claims: 1 | | | | | | |
| * IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE. ** IF THE HIGHEST NUMBER PREVIOUSLY PAID OR IS 3 OR LESS, WRITE "3" IN THIS SPACE. | | | | | | |

1. FEES *(The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)*
- Amount (total from Fee Calculation Sheet)
A check for \$385.00 is enclosed.
 - X The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account. **A duplicate copy hereof is enclosed.**



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 10/016,070 Confirmation No. 6974
Applicant : James W. Coiner
Filed : December 5, 2001
Title : HYBRID TEA ROSE PLANT NAMED 'TANTALIZING RED'

TC/A.U. : 1661
Examiner : Howard J. Locker

Docket No. : 47496/CAB/C614
Customer No. : 23363

AMENDMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Post Office Box 7068
Pasadena, CA 91109-7068
May 25, 2004

Commissioner:

In response to the Final Rejection of November 25, 2003, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Drawings begin on page 3 of this paper and include an attached replacement sheet.

Remarks/Arguments begin on page 4 of this paper.

An **Appendix** including a Substitute Specification (clean copy and marked up copy) and a replacement illustration sheet is attached following page 4 of this paper.